

REMARKS

Claims 1 and 5-35 are pending. Claims 2, 3, and 4 have been cancelled without prejudice. Claims 1, 17, and 26 are the only pending independent claims. Applicants hereby amend claims 1, 17, and 26 and submit that none of the amended claims introduce new matter.

Independent claims 1 and 17 have been amended to include additional method steps. Support for the preliminary tasting step can be found in the specification as originally filed at ¶ 25 lines 1-5 and canceled dependent claim 2. Support for the recording step can be found in the specification as originally filed at ¶ 25 lines 4-10 and canceled dependent claim 4. Support for the tasting step involving the unidentified beverage can be found in the specification as originally filed at ¶ 25 lines 15-17, ¶ 28 lines 1-3, ¶ 29 lines 1-3, and canceled dependent claim 3. Support for the answering step can be found in the specification as originally filed at ¶ 25 lines 4-10 and ¶ 29 lines 1-9.

Independent kit claim 26 has been amended to include “a sheet for a player to record information concerning at least one of a name, a year, a type, a region, a country, a color, a scent, and a taste for at least one of at least two different beverages, wherein the information recorded on the sheet is reviewable by a player before performing a blind taste test.” Support for this limitation can be found in the specification as originally filed at ¶ 25 lines 6-17, and Figure 9.

35 U.S.C. §§ 112 Rejections

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicants respectfully submit that the claims have been amended to overcome the rejection. If this rejection is maintained, Applicants request that future Office Actions provide specific authority and reasons in support of such a rejection, so that Applicants may appropriately respond.

With regard to the rejection of claim 9 under 35 U.S.C. § 112, second paragraph, Applicants respectfully submits that claim 9 has been amended to delete the language regarding “N questions.”

35 U.S.C. §§ 102 and 103 Rejections

Claims 1-3 and 8-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,918,882 to Truong (hereinafter “Truong”). Claims 17-19, 24-32, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,733,863 to Novotny (hereinafter “Novotny”). Claims 4-7 and 35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Truong in view of Novotny. Claims 20-23 stand rejected under 35 U.S.C. 103(a) as being obvious over Novotny in view of U.S. Pat. No. 4,529,205 to Bowker. Claims 33-34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Novotny.

With respect to amended independent claim 1, Applicants respectfully submit that Truong does not teach or suggest each of the following limitations: “preliminarily tasting each of at least two different beverage samples during the game,” “recording information pertaining to the at least two different beverage samples, wherein the information is recorded by a player during the game” and “tasting an unidentified beverage from the at least two beverage samples after the recording step,” as recited by currently amended claim 1. Accordingly, amended independent claim 1 is allowable over Truong, and dependent claims 5-16 are likewise allowable as depending from an allowable independent base or intervening claim.

With respect to claim 17, Applicants respectfully submit that neither Truong nor Novotny teaches or suggests each of the following limitations: “recording at least one of a name, a year, and a region for each of at least two different beverages, wherein the recording step is performed by a player during the game,” “tasting an unidentified beverage from the at least two beverages after the recording step,” and “answering at least one question about at least one of the name, the year, and the region of the unidentified beverage.” Thus, amended independent claim 17 is allowable over Truong and Novotny, and dependent claims 18-25 are also allowable as depending from an allowable independent base or intervening claim.

With respect to independent claim 26, Applicants respectfully submit that Novotny neither teaches nor suggests “a plurality of trivia game spaces” or “a sheet for a player to record information concerning at least one of a name, a year, a type, a region, a country, a color, a scent, and a taste for at least one of at least two different beverages, wherein the information recorded on the sheet is reviewed by a player before performing a blind taste test.” Applicants therefore respectfully submit that amended independent claim 26 is

allowable over Novotny. Applicants further submit that dependent claims 27-35 are also allowable as depending from an allowable independent base or intervening claim.

Although a number of dependent claims stand rejected under 35 U.S.C § 103 for obviousness, not one of independent claims 1, 17, or 26 were rejected on this basis. Since all pending dependent claims now depend from allowable independent base or intervening claims, Applicants respectfully submit that addressing the obviousness rejections is unnecessary at this time.

CONCLUSION

In view of the foregoing, Applicants respectfully submits that all claims are allowable over the cited references of record. Favorable action is earnestly solicited.

If, in the Examiner's opinion, a telephone interview would be helpful, Applicants' representative invites the Examiner to call him directly at the telephone number below.

Respectfully submitted,

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